

1 COMMONWEALTH OF MASSACHUSETTS

2 MIDDLESEX, SS.

GRAND JURY.

3
4 COMMONWEALTH

5
6 VS.

7
8 KENNETH WATERS

9
10 PRESENTED BY: Ms. Fahey, Assistant District Attorney,
Middlesex County

11
12
13
14
15 WITNESS

PAGE

16 Brenda Marsh.....2

17 Nancy Taylor.....11

19
20 Wednesday, November 10, 1982
Middlesex County

1
2 MS. FAHEY: This letter alleges
3 that Kenneth Waters, being armed with a dangerous
4 weapon, to wit; a knife, did assault Katharina
5 Reitz Brow with the intent to rob her, and thereby
6 did rob and steal from the person of said Katharina
7 Reitz Brow money on May 21st of 1980, in Ayer.
8

9 Also, that Kenneth Waters did
10 assault and beat Katharina Reitz Brow with intent
11 to murder the said Katharina Reitz Brow, and by
12 such assault and beating, did kill and murder the
13 said Katharina Reitz Brow on May 21st, 1980, in
14 Ayer.

15 BRENDA MARSH, Sworn

16 Q (By Ms. Fahey) Will you identify yourself, please,
17 to the Grand Jury?

18 A. Brenda Marsh.

19 Q And where do you live?

20 A. Worcester.

21 Q And in May of 1980, where were you living?

22 A. Ayer.

23 Q Ayer, Massachusetts?

24 A. Yes.

1

3.

2 Q And who were you living with in Ayer?

3 A. Kenneth Waters and his grandfather and my
4 two children.

5 Q Please keep your voice up.

6 A. Okay.

7 Q And what was your address in Ayer when you lived
8 with Kenneth Waters?

9 A. 7 Vernon Street.

10 Q Vernon Street?

11 A. Yes.

12 Q And in May of 1980, was he employed?

13 A. Yes.

14 Q And where was he working?

15 A. Park Street Diner -- I think that's the name
16 of it.

17 Q And that was a diner in Ayer?

18 A. Yes.

19 Q And May 20th of 1980, did he leave the house to
20 go to work?

21 A. Yes, he did.

22 Q And was that in the evening?

23 A. Yes.

24

4.

1 Q And did you have occasion to call the diner sometime
2 late that night looking for him?
3

4 A Yes.
5

6 Q And what were you told when you called the diner?
7

8 A He wasn't there.
9

10 Q And on the morning of May 21st of 1980, did he arrive
11 home?
12

13 A Yes.
14

15 Q And about what time did he arrive home?
16

17 A About ten-thirty.
18

19 Q And did you have some conversation with him?
20

21 A Well, he went up and went to bed -- upstairs
22 and went to sleep.
23

24 Q And that morning had you heard that something had
happened on Rosewood Drive near where your house
is located?
25

26 A Yes.
27

28 Q And what had you learned had happened?
29

30 A Someone was killed.
31

32 Q And did you have some conversation with Mr. Waters
33 with regard to that murder?
34

35 A I went upstairs, woke him up and told him
36

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5.

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something happened, and he said he didn't care. If
the Ayer Police came to talk to him, he wasn't
there.

3

4

Q Okay.

5

A. And he went back to sleep.

6

7

8

Q And the next day, May 22nd, did the Ayer Police come
to your home and leave with Mr. Waters?

9

A. Yes.

10

11

Q And did Mr. Waters then go to the police station and
have an interview with the Ayer Police?

12

A. Yes.

13

14

Q And at the end of the interview, he was allowed to
leave the police department and return to your home;
is that right?

15

A. Yes.

16

17

Q And when he arrived back at your home on Vernon
Street, what, if anything, did Mr. Waters say?

18

A. We were leaving, going to Providence.

19

20

Q And did he say why?

21

22

A. He was being blamed for something he didn't do,
he said.

23

24

Q And prior to that week, May 21st of 1980, had you

1 6.

2 had any conversation with Kenneth Waters with regard
3 to Katharina Brow, the woman who was killed?

4 A. Yes.

5 Q And what was the conversation you had had with
6 Mr. Waters?

7 A. He said she went in the diner and talked about
8 having a lot of money, and he said he'd like to get
9 the money.

10 Q And did he tell you what she had the money for?

11 A. Going home back to Germany.

12 Q And shortly after Mr. Waters was interviewed by the
13 Ayer Police on May 22nd, 1980, did you in fact
14 move with him from Ayer to Providence, Rhode Island?

15 A. Yes.

16 Q And in July of 1980, some two months after the
17 murder, did you have a conversation with Mr. Waters
18 with respect to the murder?

19 A. Yes.

20 Q And what was that conversation?

21 A. All that was said was I asked him if he did
22 kill that woman, and he said, "Yeah, what's it to
23 you?"

24

1
2 Q And when was the first time that you came forward
3 with this information to the Ayer Police?
4 A. About a month ago, maybe five weeks.
5 Q 1982?
6 A. Yeah.
7 Q On May 21st, when Mr. Waters came back in, after you
8 learned about the murder, did you make any observation
9 about his face?
10 A. He had a scratch on his face.
11 Q Could you point to where on your face the scratch
12 was?
13 A. Right here (indicating); from here to here.
14 Q For the record, you are pointing to the area of
15 your cheek from the eye down to the chin?
16 A. Yes.
17 Q And since you came forward and told the Ayer Police
18 of your knowledge of what Mr. Waters had said, have
19 you been shown some photographs by the Ayer Police
20 and the State Police?
21 A. Yes.
22 Q And have you also been shown a knife?
23 A. Yes.
24

1
2 Q And have you been able to identify that knife?
3 A. Yes.
4 Q. How can you identify that knife?
5 A. Kenny Waters had that knife; he worked with it,
6 used it unpacking packages, boxes.
7 Q Was that when he worked at Global Vanlines?
8 A. Yes.
9 Q So the knife that the State Police showed you is a
10 knife that you can identify as having belonged to
11 Mr. Waters?
12 A. Yes.
13 MS. FAHEY: Any questions of this
14 witness?
15 Q (By Juror) Could you describe the knife for us,
16 please?
17 A. It's about maybe this long. It's got a brown
18 handle. There's only one edge on the knife, sharp
19 edge; it was used to unpack boxes.
20 Q (By Ms. Fahey) Would you say the blade of that
21 knife was less than five inches long?
22 A. Yes.
23 Q (By Juror) Was it a folding type?
24

1

A. No.

2

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Q At that time in May of 1980, did Mr. Waters seem
to have extra money? (By Juror)

4

A. Yes.

5

6

Q (By Ms. Fahey) What was your financial situation
when you lived in Ayer?

7

8

A. Neither one of us had much money.

9

Q

Were you working at the time?

10

A.

No, I wasn't.

11

Q

Was he working anyplace other than the diner?

12

A.

No, he wasn't.

13

Q

And at some point after you learned of the murder,
do you remember any specific major purchases that
Mr. Waters bought?

16

A.

A swimming pool.

17

Q

Do you know where he got the money for that pool?

18

A.

No, I don't.

19

Q

Can you tell us why you waited until now to speak
up?

21

A.

Well, I told my boyfriend about it, not knowing
he was going to say anything about it, and he called
the Ayer Police and told them what I knew and what

24

10.

1 I had told him. I was scared; I didn't want to
2 say nothing.

3 MS. FAHEY: Any other questions?

4 (Witness Excused)

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NANCY TAYLOR, Sworn

3 Q (By Ms. Fahey) Would you identify yourself to the
4 Grand Jury, please?

5 A. Good morning, my name is Nancy Taylor. I'm
6 a police officer in Ayer.

Q And were you so employed in May of 1980?

A. Yes, I was.

9 Q Now, directing your attention specifically to May
10 21st of 1980, did you have occasion to learn that
11 a woman named Katharina Reitz Brow died in her
12 home?

13 A. Yes, I did.

14 Q And was she at that time living at 7 1/2 Rosewood Avenue?

A. Yes, she was.

17 Q And where is that home relative to the home of
Kenneth Waters on Vernon Street?

19 A. The Waters' house on Vernon Street is directly
20 behind Mrs. Brow's separated by a field.

2. And do you know the cause of death for Mrs. Brow?

A Yes, multiple stab wounds.

MS. FAHEY: I would offer the

12.

1 copy of the death certificate for Katharina Reitz
2 Brow.

3 (Whereupon, Certificate
4 Received and Marked
5 Exhibit Number 1)

6
7 Q And on May 21st of 1980, in her home, was a murder
8 weapon found?

9 A. Yes, it was.

10 Q And what was that murder weapon?

11 A. It was a three-inch utility knife.

12 Q And when you say a three-inch utility knife, was the
13 three-inches referring to the blade?

14 A. Yes, it is.

15 Q And have you had occasion to show Brenda Marsh that
16 knife?

17 A. Yes, I have.

18 Q And what, if anything, did she say with regard to
19 that knife?

20 A. She identified it as a knife belonging to
21 Kenneth Waters.

22 Q And have you had a conversation with the family
23 or family members of Mrs. Brow since her murder?

1 A. Yes, I have.

2 Q And have you learned from them that Mrs. Brow had
3 been saving -- saving money to take a trip to
4 Germany in September to visit her mother?

5 A. Yes, I did.

6 Q And have you learned from the family members where
7 she kept that money?

8 A. Yes, I did.

9 Q Where have you learned that she kept that money?

10 A. She kept her money in an envelope in the
11 linen closet right beside the refrigerator in the
12 kitchen.

13 Q And on May 21st of 1980, did you go to that home of
14 Mrs. Brow?

15 A. Yes, I did.

16 Q The morning of the murder?

17 A. Not the morning of the murder; later that
18 afternoon, I did.

19 Q And did you have occasion to view yourself the
20 linen closet area of inside Mrs. Brow's home?

21 A. Yes, I did.

22 Q And will you describe what you observed, please?

23

1 A. It was totally ransacked. All the linens and
2 utensils that were in there were out on the floor,
3 and most of the linens were covered with blood.

4 Q Is it fair to say that the envelope containing the
5 money was missing?

6 A. Yes, it was missing.

7 Q Okay. Can you describe the appearance there of the
8 entire home when you observed it that morning,
9 or that afternoon?

10 A. It's a mobil home. From the kitchen through
11 the hallway, through the back two bedrooms and
12 the bathroom, it was totally soaked in blood.
13 That's the only way to describe it. From floors
14 to ceilings to walls; everywhere.

15 Q Did you happen to make any observations of a lamp
16 in the bedroom?

17 A. Yes, I did.

18 Q And what were those observations?

19 A. There was a broken ceramic lamp that probably
20 stood two and-a-half feet tall, the base of it.
21 The base of it was broken. There was a matching
22 one that was not broken.

23
24

1 MS. FAHEY: Any questions?
2

3 Q (By Juror) Was the department able to lift any
4 fingerprints?
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6 A. The State Police did lift some prints. None
7 of them were anything that they were able to match
up. They were smeared et cetera.
8

9 Q (By Ms. Fahey) So the State Police were unable to
match any prints -- lift any prints to be of use
10 in any investigation?
11

12 A. That's correct.
13

14 Q (By Juror) And how about on the weapon?
15

16 A. They -- there were no prints on the weapon.
17

18 (Witness Excused)
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C E R T I F I C A T E

16.

I, Susan Hunt, do hereby certify
that the foregoing testimony, consisting of
Pages 2 through 15 inclusive, was recorded by
me, thereafter by me reduced to typewriting,
and is accurate to the best of my knowledge, skill
and ability.

Susan M. Hunt
Susan M. Hunt